

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARISE FOR SOCIAL JUSTICE;
¿OISTE?; NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP;
REV. TALBERT W. SWAN, II;
NORMAN W. OLIVER; DARLENE
ANDERSON; GUMERSINDO GOMEZ;
FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and
SPRINGFIELD ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF DOUGLAS J. AMY, Ph.D

I, Douglas J. Amy, hereby submit the following trial testimony:

INTRODUCTION

Attorneys for the plaintiffs in this case have asked me to express my professional opinions on the issue of minority voter turnout. In particular, I have been asked to assess whether past and present discrimination has had an effect on the turnout of African American and Latino/Hispanic¹ voters in Springfield, and whether the at-large voting system in that city is likely to affect the electoral participation of these minority voters.

I understand that defendants in this case have made various allegations that African-American and Hispanic voters in Springfield turn out at lesser rates than white voters in Springfield. Without adopting any of the defendants' conclusions or verifying

¹ For the purposes of this affidavit, I am using the terms "Latino" and Hispanic" interchangeably.

the accuracy of the data the defendants rely upon, I have assumed for the purposes of this affidavit that African-American and Hispanic voters in Springfield generally turn out at lesser rates than white voters in Springfield.

Professional Qualifications

1. I am a Professor of Politics at Mount Holyoke College. I received my Ph.D in Political Science from the University of Massachusetts, Amherst and I have been teaching courses in American politics and electoral systems for the last 25 years. Since 1988, the main area of my research and writing has been concerned with the political effects of various electoral systems. Among the issues I have been concerned with in my work have been (1) the role that electoral systems play in voting rights issues, and (2) the impact of various electoral and districting arrangements on voter participation. I have published a number of books and articles in this area. My book, *Real Choices/New Voices: The Case for Proportional Representation Elections in the United States* (New York: Columbia University Press, 1993) was the 2004 recipient of the George H. Hallett Award given by the section on Representation and Electoral Systems of the American Political Science Association. This award is presented to the author of a book published at least ten years ago that has made “a lasting contribution to the literature on representation and electoral systems.” Another book, *Behind the Ballot Box: A Citizen’s Guide to Voting Systems* (New York: Praeger Publishing, 2000) is a wide-ranging examination of the political effects of various voting systems, including winner-take-all single-member and at-large systems, and semi-proportional and fully proportional systems.

2. Attached is a curriculum vitae describing my professional background, my publications, and my other professional activities.

3. I am being compensated at a rate of \$60 an hour for my work in this case.

OPINIONS

4. I have reached the following opinions:

a.) Voter participation is strongly affected by social and economic factors, particularly levels of income and education.

b.) The lower incomes and levels of education typically found in African-American and Latino communities such as those in Springfield adversely affect the voter participation of these groups.

c.) A significant cause of these lower levels of income and education in minority communities in Springfield is long-term and lingering discrimination and segregation in public school systems and in labor markets.

d.) The effects of past and present discrimination in Springfield thus contribute significantly to repressing electoral participation by African Americans and Latinos.

e.) Voter participation is also strongly affected by the incentives and disincentives created by various electoral arrangements and districting systems.

f.) For example, the voting participation of African Americans and Latinos is adversely affected when they live in at-large districts dominated

by non-Hispanic white voters – the situation that currently exists in Springfield.

g.) Springfield's at-large voting system, both by itself and in combination with past and present discrimination, has strongly discouraged turnout by minority voters.

h.) Switching to a ward voting system in Springfield with several majority-minority districts, would very likely produce a strong increase in turnout by African-American and Latino voters.

BASIS AND REASONS FOR OPINIONS

5. My opinions are based on the political science research concerning voting turnout in general and on the factors specifically affecting the participation of minority voters, including those in Springfield, Massachusetts. I also reviewed data on the economic and educational achievement levels found in both white and minority communities in that city.

I summarize the relevant research and data below:

The Role of Socioeconomic Factors in Minority Voter Turnout

6. A great deal of research over the last 50 years has confirmed the relationship between socioeconomic status (SES) and voter turnout.² Briefly speaking, the higher the income, the more likely someone is to vote; and the higher the education level achieved, the more likely someone is to turn out. It is thought, for example, that

² See, for example, Angus Campbell, et al., *The American Voter* (New York: John Wiley and Sons, 1960); Sidney Verba and Norman Nie, *Participation in America* (New York: Harper and Row, 1972); and Seymour Martin Lipset, *Political Man* (Baltimore: Johns Hopkins University Press, 1981).

those with higher incomes have more time and energy to pay attention to politics, collect information on candidates, and so on. Those who are well-off also have a larger stake in society and thus presumably a larger stake in the outcome of elections as well.

7. Assuming for the purposes of this affidavit that voter participation of African Americans and Latinos in Springfield is lower than that of whites, it is highly likely that the socioeconomic factors mentioned above are a significant cause of these lower turnout rates. Census data show that African Americans and Latinos living in Springfield have significantly lower incomes than non-Hispanic white residents. In 1999, the median family income for Latino families was \$19,076, and for African-American families it was \$29,820. This stands in stark contrast to the \$48,159 earned by the median white family in Springfield during that year.³ Poverty rates for minorities in Springfield are also significantly higher: 26.1% for Blacks and 43.3% for Hispanics compared to 13.0% for whites.⁴ Finally, census data show that unemployment rates for African Americans are almost twice that of whites, and the unemployment rate for Latinos is almost three times that of whites.⁵

8. Nationally, the education levels of Latinos and Blacks lag substantially behind that of whites. Eighty-nine percent of non-Hispanic whites graduate from high school, compared to rates of 80% and 57% for Blacks and Latinos respectively. The racial discrepancies are even higher for those who graduate from college.⁶ This same large disparity between the educational achievements of minorities and whites also exists

³ For this data, see Exhibit 26 in support of plaintiff's motion for a preliminary injunction and Plaintiff's Trial Exhibit 46.

⁴ United States Census Bureau, American Factfinder, Springfield city, Massachusetts, "Census 2000 Demographic Profile Highlights." <http://factfinder.census.gov/home/saff/main.html>

⁵ For this data, see Exhibit 24 in support of plaintiff's motion for a preliminary injunction and Plaintiff's Trial Exhibit 44.

⁶ U.S. Census Bureau, *Educational Attainment in the United States: 2003*. (www.census.gov/prod/2004pubs/p20-550.pdf).

in Springfield. 78.4% of whites in that city have a high school degree or higher, compared to 75.1% for Blacks and 50.6% for Latinos. And among whites, 18.4% have a bachelor's degree or higher, while that figure is 13.3% and 5.9% for Blacks and Latinos respectively.⁷ Moreover, in 2002-03, the dropout rate for African-American students in Springfield was 7.0% and for Hispanic students was 11.1%. This contrasted with a dropout rate of 5.8% for white students.⁸ Minority students also have a higher rate of grade retention – being forced to repeat a grade. The grade retention rate for African-American students in Springfield is 6.6%, and for Latinos is 8.5%. The rate for white students is 4.7%.⁹

9. In addition, data indicate considerable racial and ethnic differences in the performance of Springfield children on the Massachusetts Comprehensive Assessment Systems (MCAS). Black and Hispanic students in Springfield have performed worse than white students on every category of the MCAS test at every grade level. For example, in 2004 in Springfield, only 35% of Black students and 26% of Hispanic students were “advanced or proficient” in English Language Arts, compared to 54% of white students. Minority student test results in Springfield are similar for the mathematics portion of the MCAS tests; in 2004 13% of Black students and 11% of Hispanic students were “advanced or proficient” compared to 30% of white students.¹⁰ MCAS results from 1999-2000 for Springfield, summarized in Exhibit A to this affidavit, illustrate the significant achievement gap between African-American students and

⁷ United States Census Bureau, American Factfinder, Springfield city, Massachusetts, “Census 2000 Demographic Profile Highlights.” <http://factfinder.census.gov/home/saff/main.html>

⁸ For this data, see Exhibit 12 in support of plaintiff's motion for a preliminary injunction and Plaintiff's Trial Exhibit 50.

⁹ For this data, see Exhibit 16 in support of plaintiff's motion for a preliminary injunction and Plaintiff's Trial Exhibit 51.

¹⁰ For this data, see Exhibit 4 in support of plaintiff's motion for a preliminary injunction and Plaintiff's Trial Exhibit 30.

Hispanic students on the one hand and white students on the other. Similar disparities are seen in the 2006 MCAS results for Springfield. *See* Exhibit B to this affidavit (Plaintiffs' Trial Exhibit No. 165). The Springfield public school system has also recently recognized this achievement gap.¹¹

The Role of Discrimination in Producing Lower Incomes and Lower Educational Attainment in Minority Communities

10. It is important to note that these racial and ethnic differences in incomes and educational achievement that are associated with lower-voter turnout are undoubtedly due in part to racial discrimination and housing segregation. In one of the seminal works in this area, *The Economics of Poverty and Discrimination*, Bradley Schiller found considerable evidence for continuing levels of racial discrimination in American public schools.¹² Minority children are frequently segregated into their own schools, with poor teachers, limited curriculums, lower budgets, and unequal facilities. The predictable results are lower levels of achievement and higher dropout rates.¹³ Importantly, these unequal educational opportunities inevitably lead to unequal economic opportunities. Education is an important form of human capital that individuals bring to the market place, and it is has a major effect on career opportunities and income levels.

11. Schiller also found that the income levels of racial and ethnic minorities are not only hindered by discrimination in education, but also by lingering discrimination in the labor market.¹⁴ Employers sometimes refuse to hire minority applicants either because they themselves are prejudiced, or simply because they fear triggering the

¹¹ See Exhibit 4 in support of plaintiff's motion for a preliminary injunction and Plaintiff's Trial Exhibit 30.

¹² Bradley Schiller, *The Economics of Poverty and Discrimination*, 9th Edition (Englewood Cliffs, NJ: Prentice Hall, 2003).

¹³ Ibid. chapter 9, "Discrimination in Education."

¹⁴ Ibid. chapter 10, "Discrimination in the Labor Market."

prejudices of their customers or of white employees. For example, a recent study by the National Bureau of Economic Research found that applicants for jobs in Boston and Chicago that submitted resumes with very white sounding names (such as Greg or Emily) got 50% more callbacks from employers than those applicants who submitted resumes with very African-American sounding names (such as Lakisha or Jamal).¹⁵ The authors of this study, along with Schiller, conclude that racial and ethnic discrimination continues to play a role in the job market and in producing the lower incomes of minority workers.

12. Many other researchers have come to similar conclusions about the continuing effects of discrimination on the educational and occupational achievements of different racial groups in the United States. See for example, Thomas M. Shapiro, *The Hidden Cost of Being African American* (New York: Oxford University Press, 2004), and Gary Orfield, *Schools More Separate: Consequences of a Decade of Resegregation* (Cambridge, MA: Harvard University Civil Rights Project, 2001).

13. There are, then, strong linkages that exist between lower voter turnout, lower education and income levels, and discrimination in education and employment. Both past and present racial and ethnic discrimination in Springfield would account for a great deal of the lower turnout rates among African Americans and Latinos in this city; but this is not the only factor to be considered. The city's electoral and districting systems themselves are also almost certainly playing a role – an issue to which I turn next.

¹⁵ Marianne Bertrand & Sendhil Mullainathan, "Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination," *American Economic Review*, American Economic Association, vol. 94(4), 2004, pages 991-1013.

The Role of Electoral Arrangements and other Institutional Factors on Voter Turnout

14. In the last 20 years, a new approach to analyzing voter turnout rates has emerged, one that moves beyond the consideration of socioeconomic factors and considers the role that political institutions and electoral arrangements play in determining electoral participation. This new approach arose out of the realization that socioeconomic factors alone were not always helpful in explaining differences in voter turnout *between* countries. Many Western European countries, for instance, have income levels and education rates similar to those found in the United States, but have dramatically higher voter turnout rates – often 70% to 90% compared to 40% to 50% found in U. S. elections. The reason for this, researchers have concluded, can be found in different political and electoral arrangements that encourage higher rates of participation in these countries.¹⁶

15. In particular, voting systems and districting arrangements have been found to account for significant differences in turnout rates between countries. The use of proportional representation elections, for instance, increases voter participation in a country by an average of about 12%.¹⁷ Proportional representation is an electoral system that uses large, multi-member districts and in which parties need only receive a small percentage of the vote (5%-10%) to win some seats in the legislature. It is thought that in these systems voters are less likely to waste their votes, have a much better chance of electing someone of their choice, and are more likely to have an impact on public policy

¹⁶ See, for example, Douglas J. Amy, *Real Choices/New Voices: The Case for Proportional Representation Elections in the United States* (New York: Columbia University Press, 2002) chapter 7, “Encouraging Voter Turnout.”

¹⁷ Mark Franklin, “Electoral Participation” in Lawrence LeDuc, et al., *Comparing Democracies: Elections and Voting in Global Perspective* (Thousand Oaks: Sage Publications, 1996) p. 226.

– all factors that create a greater incentive to vote. As one of the leading researchers in this field, Mark Franklin, has determined, voting systems, districting, and other institutional factors have a large impact on how responsive the political system is to voters – which in turn affects voter participation. As he concluded: “Voters are not fools and an unresponsive system will motivate fewer of them to vote.”¹⁸

The Effect of Districting Arrangements on Minority Voter Turnout and Outcomes

16. As part of this approach that considers the effects of electoral arrangements on voter turnout, some researchers have been looking at the impact of districting arrangements on the participation of African American and Latino voters.¹⁹ These studies have specifically examined whether minority voters living in predominately white districts are less likely to turn out than those living in districts where they are the majority. In the 1990s, there was an increase in the number of majority-minority districts around the country, and this has allowed researchers to compare minority participation rates in these districts versus districts in which African American and Latino voters were numerical minorities. Although these studies examined single-member districts, their findings would apply to at-large districting systems as well, such as the one currently used in Springfield. Minority voters in a predominately white at-large district could be expected to behave in the same manner as minorities in a predominately white single-member district.

¹⁸ Ibid. p. 232.

¹⁹ Kimball Brace, et al., Minority Turnout and the Creation of Majority Minority Districts,” *American Politics Quarterly*, Vol. 23, No.2, April 1995; Claudine Gay, “The Effect of Black Congressional Representation on Political Participation,” *American Political Science Review*, Vol. 95, No. 3, September 2001; Claudine Gay, “The Effect of Minority Districts and Minority Representation on Political Participation in California,” Public Policy Institute of California, 2001; Matt A. Barreto, et al., “The Mobilizing Effect of Majority-Minority Districts on Latino Turnout,” *American Political Science Review*, Vol. 98, No.1, February 2004.

17. What these studies have found, in general, is a clear tendency for turnout among African Americans and Latinos to be lower when they live in predominately non-Hispanic white districts than it is when they live in majority-minority districts. As with most studies of the political effects of electoral arrangements, these findings were sometimes mixed and the extent of the effects varied depending on the methodology. But taken as a whole, they point to a strong likelihood that living in white districts does suppress minority voter turnout, and they offer several plausible explanations for why this is the case.

18. One of these studies (Barreto, et al.) examined the effect that living in a majority-minority district has on the likelihood that a Latino citizen turns out to vote – controlling for other well-known socioeconomic effects on turnout.²⁰ They looked at the turnout behavior of all individual voters in five counties in California in three elections from 1996 to 2000. The researchers described their results as “robust and unambiguous.” Latino turnout increased by as much as 5.9% in Latino districts as compared to white districts. They concluded that these findings demonstrated that “residing in majority-Latino districts ultimately has a positive effect on the propensity of Latino voters to turn out.”²¹

19. In another study, Claudia Gay examined minority turnout in minority and white congressional districts in California.²² There are no Black majority congressional districts in that state, but there are six majority Latino districts and three districts in which Latinos and Blacks combine to form a majority. Controlling for socioeconomic effects,

²⁰ Matt A. Barreto, et al., “The Mobilizing Effect of Majority-Minority Districts on Latino Turnout,” *American Political Science Review*, Vol. 98, No.1, February 2004.

²¹ *Ibid.* p. 65.

²² Claudine Gay, “The Effect of Minority Districts and Minority Representation on Political Participation in California,” Public Policy Institute of California, 2001.

Gay found that Black voter participation increased by an average of 6.6% in these combined majority districts versus their participation in white majority districts.

Hispanic voting increased by an average of 30% in these same combined districts. In districts where Latinos formed the majority, their turnout increased by an average of 33% compared to their voting rates in white majority districts. Gay concluded that:

In sum, there is clearly an interrelationship among minority districting, minority representation, and political engagement among African Americans, Latinos, and Anglos in California. Latino registered voter participation and African-American voting-age turnout are highest in districts where Latinos and African Americans, respectively, are able to play prominent roles in deciding electoral outcomes. ...What this analysis makes clear is that, for racial and ethnic minorities, the opportunity to “elect representatives of their choice” can compensate for the socioeconomic barriers that so often contribute to low voter participation.²³

20. In an attempt to rebut these studies that show that minority voter turnout tends to be higher in districts in which they are the majority, the defendants contend that there have been a few elections in Springfield for the Massachusetts General Court House of Representatives that “demonstrate that single-member district election do not generate greater turnout among Hispanic voters.”²⁴ But they offer virtually no information about these elections: when they took place, what the demographic make-up of the district was, what candidates were running for office, etc. Without this kind of underlying supportive information, it is impossible to evaluate these claims. More importantly, examples of single elections, cherry-picked to prove a given point, are no substitute for systematic studies addressing this issue. These studies, as I have pointed out, generally support the claim of the plaintiffs that majority-minority districts do have positive effects on the turnout of Hispanic and African-American voters.

²³ Ibid. pp. 61, 62.

²⁴ *Defendants’ Issues of Fact*, paragraphs 41-43.

21. Electoral scholars have also noted another problem faced by minority voters living in predominately white at-large districts: they are discouraged from supporting all the candidates they would like to see on the city council.²⁵ Often the most rational and effective strategy for minority voters in an at-large system is to “bullet vote” – to use only one of their votes to support a single minority candidate. Otherwise, if they use the multiple votes they have in an at-large system, there is a good chance that one of their other votes will help another candidate get elected instead of their most preferred one. In contrast, members of the white majority voting bloc can use all of their votes – safe in the knowledge that most or all of their chosen candidates will win office. This bullet-voting strategy to which minorities must often resort means that these voters will ultimately have less overall impact on who is elected to the city council than white voters who cast all their votes. This necessity of bullet voting also helps to explain why there appears to be little cohesiveness between Black and Latino voters in Springfield. When members of each group have to restrict themselves to one vote, they obviously are unable to cast votes in support of the other group’s candidates.

Reasons Why White-Majority Districts Discourage Minority Voter Turnout

22. Scholars have offered several reasons for why minority voters in predominantly white districts are less likely to turnout. The first, and most plausible reason, is that these voters have less incentive to participate. It is well documented that minority voters living in white-dominated single-member or at-large districts usually have very little chance to elect the candidate of their choice. A determined white

²⁵ See, for example, my discussion of bullet voting in at-large systems in Douglas J. Amy, *Behind the Ballot Box: A Citizen’s Guide to Voting Systems* (Westport, CT: Praeger Publishing, 2000) p. 60.

majority can often routinely frustrate minority voters. This consistent lack of positive results from voting tends to undermine voters' confidence in the efficacy of voting and in the legitimacy of government. It is reasonable to assume that these psychological effects act to discourage minority voter turnout in these situations.

23. Another theory is that the type of district has an effect on efforts to mobilize voters. It is well-known that one factor in voter turnout is how extensive the effort is to mobilize voters and get them to the polls – people are more likely to vote if they are asked to do so.²⁶ Efforts by minority political leaders, minority community leaders, and minority organizations like the NAACP can help boost voter turnout in target areas. However, in majority white districts, it may make little sense to expend scarce political resources in this way.

24. Both of these explanations turn upon the same fact: the dilution of minority voting power in predominately white districts lowers the incentive to vote. It does so directly because it makes little sense for minorities to vote in an election where it is very unlikely that they will win representation. And it does so indirectly, by discouraging various leaders and organizations from expending resources in mobilizing voters in districting situations where the chances of victory are slim.

At-Large Elections are Not Similar to Proportional Representation Systems

25. Dr. Thernstrom spends a great deal of time in his affidavit trying to show that at-large elections are in fact good for minority voters in Springfield. But his assertions demonstrate some serious misunderstandings about the inherent characteristics and political effects of various electoral systems. He argues several times, for instance,

²⁶ Claudine Gay, "The Effect of Minority Districts and Minority Representation on Political Participation in California," Public Policy Institute of California, 2001, p. 23.

that an at-large system is “actually on the proportional representation end of the electoral continuum” – suggesting that it works well to allow minority groups to achieve fair representation. He seems to think that because this system uses multi-member districts and because minority candidates are occasionally elected, that this puts at-large in the proportional representation (PR) camp. But this claim is both mistaken and misleading. These are quite distinct forms of electoral systems with very different aims and political results.

26. I know of no electoral systems scholar who would agree with Thernstrom that at-large elections are similar to PR. They all put at-large systems in the category of plurality-majority electoral systems, not proportional systems.²⁷ Plurality-majority systems are in fact on the opposite end of the continuum from PR systems when it comes to how fair and representative they are. Proportional representation systems are designed to ensure that “the share of seats held by a political party in the legislature closely matches the share of popular votes it received.”²⁸ Their aim is to produce fair representation of both majority and minority groups. They do so by utilizing low “thresholds,” which allow groups with as low as 5% or 10% of the vote to elect some representatives. In contrast, plurality-majority systems, such as at-large voting, have very different aims. They are designed to grant representation to only the largest group of voters. They do so by creating a much higher threshold, often requiring 40% of the vote or higher for candidates to get elected. This arrangement usually strongly underrepresents minority factions. And among plurality-majority systems, at-large

²⁷ See for example, Andrew Reynolds, Ben Reilly and Andrew Ellis (eds.), *Electoral System Design* (Stockholm: International Institute for Democracy and Electoral Assistance, 2005).

²⁸ “Proportional Representation,” Encyclopedia Britannica Online, September 10, 2006. <http://www.britannica.com/ebc/article-9375995>.

voting is commonly considered to be the most unfair to minority groups. In particular, at-large elections can allow the political faction with the majority or plurality of supporters to win all the contested seats – shutting out minorities completely. Consider, for example, a city where the largest political faction represents 45% of the voters, and two minority factions represent 25% and 30% respectively. If the largest group votes as a bloc for all its candidates, it will win all of the seats – a patently unfair and unrepresentative outcome. Such outcomes are impossible under proportional representation systems, further underlining the inherent dissimilarity of these two systems.

27. Moreover, the history of how at-large systems have been used in the United States shows that they have often been substituted for district elections in situations where the majority sought to *block* the proportional representation of a minority. These systems first became popular on the municipal level in the early 1900s. Reformers promoted these systems as a way to undermine the power of corrupt political machines. But many historians now agree that another purpose of adopting at-large election systems was to undermine the political power of growing ethnic and racial minorities in many urban areas.²⁹ In addition, after the Voting Rights Act was passed in 1965, there was a surge in the South of adoptions of at-large voting systems, in the hope that these would prevent the election of Black legislators. In Georgia, for instance, 20 county governments and county boards of education switched to at-large elections between 1964 and 1975. In its first session after enactment of the Voting Rights Act, the Mississippi legislature passed a law that required or allowed county boards of supervisors

²⁹ Samuel Hays, “The Politics of Reform in Municipal Government in the Progressive Era,” *Pacific Northwest Quarterly* 55 (October 1964): 166-82.

and school boards to be elected in at-large contests.³⁰ Because of such developments, Congress passed a bill in 1967 that banned the use of at-large elections for the House of Representatives. As this history indicates, it is clear that at-large systems are designed primarily to promote the representation and interests of the plurality of voters, not that of minority voters, and that these systems are not at all similar to proportional representation systems.

Plurality Domination is No Different from Majority Domination

28. Dr. Thernstrom also claims to show that non-Hispanic whites are declining in number and may no longer constitute a majority of the voting age population in Springfield. He suggests that if this is the case, then all of the plaintiffs' arguments about the at-large election district being "predominantly white" are invalid and that this greatly undermines their case. But again, this claim shows a lack of knowledge about how at-large election systems work and what is required in such a system for a group to unfairly dominate the elections. Whites do not need to constitute a *majority* in an at-large election system in order to successfully prevent Blacks or Latinos from electing their preferred candidates – they need only make up a *plurality* of the voters. Even if we assume that whites today make up only about 47.8 percent of the voters in Springfield, they still far outnumber the number of either Latino or African-American voters and will be able to unfairly dominate the elections in an at-large system. Even given current trends in population growth, whites in Springfield will continue to be the plurality of voters for many years to come.

³⁰ Chandler Davidson, "Minority Vote Dilution: An Overview," in Davidson, ed., *Minority Vote Dilution* (Washington, D.C.: Howard University Press, 1984), p. 11.

29. Plurality voting systems, like Springfield's at-large system, are known for often producing what electoral scholars call "manufactured majorities" – where a political group that receives less than a majority of the vote actually wins a majority of seats in the legislative body. For instance, the largest faction might only win 45 percent of the vote, but be awarded 55 to 60 percent of the legislative seats. The result is not uncommon in plurality systems where three or more political parties or factions in the electorate are splitting up the vote. This means that this plurality faction is able to rule despite the fact that most people voted for the other factions – a clear violation of the principle of majority rule. So even if non-Hispanic whites in Springfield are reduced to a plurality of the vote, it is certainly possible that they will be able to continue to dominate in city elections.

30. Furthermore, even if one assumes, as Thernstrom does, that minorities will be able to unite and vote as a single bloc once they constitute a combined majority in the voting age population, this ignores the problem of turnout. As I demonstrated in my original affidavit, numerous socio-economic factors along with the at-large voting system have combined to suppress voter turnout for minorities in Springfield. This is unlikely to change overnight. The advantage enjoyed by whites in terms of voter participation means that even when the white community no longer constitutes a majority of the voting age population, it might still be able to turn out a majority of the voters on elections day, and thus continue to dominate in these elections.

At-Large Elections Disempower More Minority Voters than District Elections

31. Dr. Thernstrom suggests that districts elections may be bad for minorities in Springfield because this system will put many of them in predominantly white districts, where they will be unable to elect minority candidates. But he ignores the fact that the current at-large system is even worse in this respect – it denies even more minorities a fair opportunity to elect their preferred candidates. In the past, the at-large system has usually denied representation to virtually *all* of the Black and Hispanic voters. So a district system that would allow a substantial number of minorities to elect their preferred candidates would actually be a substantial improvement.

32. In *Defendants' Issues of Fact*, the city has introduced a number of claims about the alleged political advantages of at-large elections over district elections.³¹ They contend that at-large arrangements produce councilors who better represent city-wide interests, that districts exacerbate racial and geographical divisions in cities, and so on. But one could easily cite an equal number of arguments for the various political advantages of districts. For example, district representation ensures that all neighborhoods receive their fair share of city services. Also, districts better ensure the election of racial and ethnic minorities to city councils, and these integrated councils are better able to effectively address racial tensions. However, a more basic problem with this line of argument by the defendants is that any points about the general political advantages of at-large or district elections are irrelevant to the central issue of this case, which is whether at-large elections are unfairly discriminating against minority voters in Springfield. The only relevant considerations are how at-large or districts systems affect

³¹ *Defendants' Issues of Fact*, paragraphs 170-183.

the electoral opportunities of minority candidates, not whether these arrangements achieve other political goals.

33. The defendants repeatedly allege that “the current [at-large] method of electing members to the City Council and the School committee provides for greater opportunities” for minority candidates than would single-member districts; and that minorities are currently provided with “proportional electoral opportunities for the City Council and the School Committee.”³² But in fact the vast majority of studies that have compared the electoral opportunities for minority candidates in at-large versus single-member district arrangements in cities have shown that single-member districts provide *much better* opportunities. For instance, Karnig and Welch examined the success of Black candidates for city council in cities with mixed systems – having both some at-large and some district seats.³³ They found that Black representation was much higher under single-member district arrangements. The representation ratio (the percentage of Black city council members divided by the percentage of the city’s black population) was .952 in district elections – nearly exactly proportional. The representation ratio for at-large elections was barely half of that, .499. Moreover, district elections failed to produce any Black representation only 14% of the time, while at-large elections resulted in no Blacks being elected 72% of the time. Such findings clearly demonstrate that, as a rule, the electoral opportunities for minority candidates are considerably better in single-member district elections than by at-large elections.

34. In my deposition, I was asked to look at the plaintiffs’ districting plan and give my opinion about what impact it would have on the opportunity for Black and

³² *Joint Pretrial Memorandum*, p. 7,8.

³³ Albert Karnig and Susan Welch, “Electoral Structure and Black Representation on City Councils,” *Social Science Quarterly* 63 (March 1982): 99-114.

Hispanic voters to elect candidates to the city council. Upon examination of that plan, it is my judgment that its adoption would significantly increase the opportunity for minorities to be elected to the city council. Under the plan, Hispanics would make up the majority of the voting age population in Districts 1 and 2. This would give this minority community a much better chance to elect candidates of their choice than they now have under current at-large arrangements. District 3, which would have a majority of Black voters, would also see a significantly increased opportunity to elect a Black city councilor. I believe that Black voters would also have an improved opportunity to elect a Black city councilor in district 4, where they would make up 38% of the voters, and in which Latinos would constitute 16%. In addition, it is my opinion that Black and Latino voter participation is likely to increase significantly under the plaintiffs' plan – particularly in the three districts in which each group would constitute a majority of the voting age population. This conclusion is entirely consistent with the scholarly literature on the effects of districting on minority voter turnout that I have cited in this affidavit.

Responsiveness of Electoral Systems

35. Dr. Thernstrom also claims that it would be best for minorities to retain an at-large system instead of switching to a district system because “the current at-large system is more likely to be more sensitive to demographic change, and more likely to reward the emerging minority majority in Springfield with greater representation on the council.”³⁴ But this assumes that all minorities in Springfield will be voting together. Moreover, Dr. Thernstrom seems unaware of the fact that an inherent characteristic of at-large systems is to be *insensitive* to demographic change. The issue here is what electoral

³⁴ Thernstrom report, paragraph 34.

scholars call the “responsiveness” of an electoral system.³⁵ Responsiveness refers to how well changes in voter strength are translated into changes in representation. In a very responsive system, as the number of voters in a particular political group grows, so does its share of representation. For example, in a proportional representation electoral voting system, if a group grows from 10% to 30% of the electorate, its representation would also grow from 10% to 30% of the legislative body – so it’s a very responsive system. In contrast, at-large systems are known for being *unresponsive*. In this system, a minority political group may increase from 10% to 30% of the voters, but its number of representatives would most probably *not change at all* – it would still be unlikely to elect any representatives. This is the definition of unresponsiveness. District systems may also be unresponsive – but they have the advantage of being able to be made more responsive through the redistricting process. As the relative strength of groups change, districts can be redrawn to ensure changes in representation as well. For example, if a minority group like Latinos were ever to become a majority in Springfield, there would be substantial political pressure to create a district system that reflected their new political position.

The Problem of Bullet Voting

36. In respect to the issue of bullet voting, Dr. Thernstrom notes that I argue that it has unfair political consequences. He says: “Perhaps I misunderstand him, but he seems to think that it is somehow undemocratic that 80 percent of the electorate has a

³⁵ Douglas J. Amy, *Real Choices, New Voices: How Proportional Representation Elections Could Revitalize American Democracy* (New York: Columbia University Press, 2002) pp. 47-48.

greater voice in picking city officials than 20 percent of the electorate.”³⁶ He does indeed misunderstand my point. I am not suggesting that it is unfair for 80 percent of the electorate to have more electoral power than 20 percent. My argument is that minorities are forced to bullet vote in order to maximize their chances of winning any representation at all in an at-large system – something that Thernstrom acknowledges – but that this strategy unfairly lessens their potential overall impact on city elections. Whites who can safely cast all nine of their votes have more opportunities to exert control over who fills city council seats than minorities who cast only one vote. The point is a simple and obvious one: someone who casts nine votes has more power to affect election outcomes than someone who casts one vote. Whites are able to use 100% of their voting power in Springfield at-large elections, while minorities are forced to restrict themselves to using a small fraction of their voting power.

Research Studies Support the Argument that At-Large Elections Discourage Minority Voter Turnout

37. In my original affidavit, I stated my opinion that the current at-large election system, which is dominated by white voters, acts to discourage turnout by Hispanic and Black voters in Springfield. I also concluded that switching to a district system with several majority-minority districts would very likely substantially increase minority voter participation. I cited three studies in support of these conclusions – Gay 2001, Brace, 1995, and Barreto 2004. Though the findings in one of these studies were a bit mixed, taken together they strongly and consistently support my conclusions.

³⁶ Thernstrom report, paragraph 21.

Thernstrom takes issue with my interpretation of these studies, but for the reasons stated below, I believe that his criticisms largely miss the mark.

38. The Gay study looked at minority voter turnout in California for both Blacks and Latinos. She found that minority participation improved by anywhere from 6.6% to 33% in districts in which they were the majority. She concluded that “In sum, there is clearly an interrelationship among minority districting, minority representation, and political engagement among African Americans, Latinos, and Anglos in California.”³⁷ Dr. Thernstrom suggests it is a problem that Gay’s study dealt with congressional elections instead of municipal elections, and concerned Mexican Americans instead of Puerto Ricans. Yet he offered no plausible reasons why these differences would undermine the relevance of this study for the Springfield situation. He does not explain why the incentives that increased the turnout of Mexican Americans and African Americans in California congressional elections would not work in similar ways to increase the turnout of Puerto Ricans and African Americans if Springfield were to create similar majority-minority districts. On the contrary, it seems reasonable to believe that the same incentives would be at work in Springfield.

39. Thernstrom also claims to find one bit of contradictory data in Gay’s study. He argues that “Gay did not find that living in a Congressional district with a minority majority had uniformly positive effects on minority voter turnout. Black turnout, for example, was 1.5 percent lower than the African American statewide average in districts with a Latino majority.”³⁸ But this finding does not undermine Gay’s conclusion – or my argument – at all. In fact, it supports my opinion that minorities are

³⁷ Claudine Gay, “The Effect of Minority Districts and Minority Representation on Political Participation in California,” Public Policy Institute of California, 2001, p. 61.

³⁸ Thernstrom report, paragraph 18.

less likely to turn out when they live in districts dominated by other racial and ethnic groups. In this case the participation of Black voters was discouraged when they lived in districts dominated by a Latino majority. So this finding does not contradict Gay's general conclusion that "African-American adults and Latino registered voters participate at higher levels in congressional districts where their respective communities effectively control electoral outcomes."³⁹

40. Dr. Thernstrom also seeks to undermine the findings of the Barreto study that concluded that "residing in a Latino-majority district ultimately has a positive effect on the propensity of Latino voters to turn out." First, he suggests that a 5.9% increase in turnout that Barreto found in some years is not evidence of a "powerful" effect. In my opinion, however, such an increase is a substantial one. Second, Thernstrom argues that the positive effects of majority-minority districts on minority turnout are not as unambiguous as the authors' state. He points out that in one year of the study, 1996, majority-minority districts were associated with a slight decrease in Latino turnout. But the authors note that this apparent anomaly is caused by their particular definition of majority-minority districts. When they use another definition in their calculations, the lower turnout rate in 1996 disappears and effect on Latino turnout becomes positive and consistent with their other findings.⁴⁰

41. Dr. Thernstrom cites several studies whose findings, he believes, generally contradict the notion that at-large districts discourage minority turnout and majority-minority districts encourage it. One was the Kimbal Brace study that I cited in my original affidavit. This study looked at the effects of majority-minority districting on the

³⁹ Gay, p. 51.

⁴⁰ Matt A. Barreto, et al., "The Mobilizing Effect of Majority-Minority Districts on Latino Turnout," *American Political Science Review*, Vol. 98, No.1, February 2004, p. 71-72.

turnout of Hispanics and Blacks in Florida in the 1990s. Thernstrom notes that this study found mixed results and that the authors concluded that “it seems clear that, by itself, the creation of new minority districts after the 1990 census will not have a strong, consistent effect on minority turnout.”⁴¹ But I believe that both Thernstrom and the authors have an overly negative interpretation of the results of this study. This is in fact suggested by the part of the above quotation that Thernstrom leaves out. That sentence begins: “Although one might well not wish to carry our conclusion to this extreme”⁴² I am one who does believe that their conclusion is more extreme than is warranted by their findings. While they did find that majority-minority districts did not increase turnout *every time*, their data show that these districts did increase minority turnout *most of the time*. Using one methodology, Brace found that turnout increased in majority Black and Hispanic districts in three out of the five cases studied; and using another methodology, they found that minority turnout increased in majority-minority districts in four out of the six cases studied. To me, these findings suggest a mixed, but generally positive, effect of majority-minority districting on minority voter turnout.

42. Also, Dr. Thernstrom cites several additional studies (Bullock 1990, and Haijnal and Lewis 2003) that he suggests contradict my opinion that at-large elections are acting to suppress minority turnout in Springfield. These studies found that different electoral systems have little impact on general turnout in municipal elections. However, those findings do not undermine my point at all. I am not arguing that either district or at-large systems in themselves encourage higher or lower turnout. I am arguing that minorities are more likely to turn out in higher numbers in district elections in which they

⁴¹ Thernstrom report, paragraph 19, citing Kimball Brace, et al., Minority Turnout and the Creation of Majority Minority Districts,” *American Politics Quarterly*, Vol. 23, No.2, April 1995, p. 201.

⁴² Brace, p. 201.

constitute the majority than they are in at-large elections in which they are the minority. The two studies mentioned by Thernstrom do not address the issues of minority voter turnout or majority-minority districting, and so they have no bearing on my point.

43. In the end, there are three studies which directly address my opinion that minorities are discouraged from turning out to vote when they live in predominantly white districts and that living in majority-minority districts has a positive impact on minority voter participation. One study, Brace et al., found mixed results, but generally supports my opinion. The two other studies, Gay and Barreto, consistently and strongly support my opinion. For these reasons, I feel confident that the opinions on these issues stated in my original affidavit are reasonable ones supported by the research in this area.

44. Dr. Thernstrom argues that the best way to encourage higher turnout among minorities in Springfield is not to change the voting system, but to initiate a “get-out-the-vote campaign.”⁴³ This assertion ignores two crucial facts. First, there have already been efforts in the minority community to increase registration and voting. Second, efforts to encourage minorities to vote are unlikely to be very fruitful as long as an at-large election system makes minority voters feel that their votes will not be successful in electing the candidates of their choice. If many minority voters consider voting in an at-large system to be a waste of time, mere exhortations to vote are unlikely to convince them to do so. In contrast, such exhortations are much more likely to work if minorities are able to vote in districts in which their votes contributed to the election of their preferred candidates. As scholars of voter turnout have long noted, people are more likely to turn out if they feel that their vote will make a difference. That incentive is

⁴³ Stephan Thernstrom, *Rejoinder to Rebuttal Reports of Douglas Amy and Richard Engstrom for Arise for Social Justice v. Springfield*, paragraph 31.

exactly what is missing for minorities in the at-large voting system currently in place in Springfield.

45. Dr. Thernstrom claims to be concerned that the district plan offered by the plaintiffs will leave some minority voters in majority white districts, thus denying them political influence. And yet he also claims that although Blacks and Latinos are currently outnumbered by whites in the at-large voting system, this does not diminish their ability to influence elections. He cannot have it both ways – if he believes that some minorities will be at a political disadvantage by living in single-member districts dominated by whites, he must acknowledge that all minorities are at similar disadvantage in an at-large district dominated by whites.

The Role of Discrimination in Racial Disparities in Income and Educational Achievement

46. In my affidavit, I argue that the lower levels of income and education found in the Latino and Black communities in Springfield act to lower voter participation in these groups. Dr. Thernstrom does not disagree with this key point about the causes of lower voter turnout for minorities. He does question my opinion that discrimination plays a role in creating these economic and educational disparities. For instance, he criticizes the fact that I only cite two books and two articles to document the role that discrimination plays in these problems. But there is a considerable literature concerning the forms of discrimination and the various disadvantages that minorities face both in labor markets and in education (see footnote below).⁴⁴

⁴⁴ In the area of discrimination in labor markets, some of these works include: William A. Darity, Jr. and Patrick L. Mason, "Evidence on Discrimination in Employment: Codes of Color, Codes of Gender," *Journal of Economic Perspectives* 12 (No. 2, Spring 1998), pp. 63-90; Michael Fix and Raymond J.

47. In labor markets, for instance, there have been a large number of studies showing that minorities who have identical job qualifications with whites have more trouble getting interviews, getting hired, and getting promotions.⁴⁵ So, at every stage of the employment process bias is at work. This kind of discrimination does not necessarily have to be rooted in explicitly racist attitudes by employers. Researchers have found that some employers have unconscious stereotypes of minorities. Black males, for instance, are perceived as being less energetic workers and as having an “attitude” that makes them less likely to be compliant to management control.⁴⁶ In addition, employers who do not themselves have racial biases, may nevertheless fail to hire minorities because they fear that their employees or their customers would not feel comfortable with these workers.⁴⁷

48. Numerous other disadvantages can work against minorities in the labor market. Many businesses have chosen to move out of inner-city minority neighborhoods and relocate to the suburbs. Lack of reliable transportation then restricts minorities’

Struyk (eds.), *Clear and Convincing Evidence: Measurement of Discrimination in America* (Washington DC: Urban Institute, 1993); Jomills Henry Braddock II and James M. McPartland, “How Minorities Continue to Be Excluded from Equal Employment Opportunities: Research on Labor Market and Institutional Barriers,” *Journal of Social Issues* 34 (No. 1, Spring 1987), pp. 5-39; Barbara F. Reskin, “The Proximate Causes of Employment Discrimination,” *Contemporary Sociology* 29 (No. 2, March 2000), pp. 319-328; Johanna Shih, “. . . Yeah, I could Hire This One, But I know It’s Gonna Be a Problem’: How Race Nativity and Gender Affect Employers’ Perception of the Manageability of Job Seekers,” *Ethnic and Racial Studies* 25 (No. 1, January 2002), pp. 99-119; Glenn C. Loury, *The Anatomy of Racial Inequality* (Cambridge, MA: Harvard University Press, 2002); Cedric Harring, “Is Job Discrimination Dead?” *Contexts* 1 (No. 2, Summer 2002), pp. 13-18; Philip Moss and Chris Tilly, *Stories Employers Tell: Race, Skill, and Hiring in America* (New York: Russell Sage, 2001); Dierdre Royster, *Race and the Invisible Hand: How White Networks Exclude Black Men from Blue Collar Jobs* (Berkeley: University of California Press, 2003); Glenn C. Loury, “Discrimination in the Post-Civil Rights Era: Beyond Market Interactions,” *Journal of Economic Perspectives* 12 (No. 2, Spring 1998), pp. 117-126; M. Tuner, M. Fix, and R. Struyk: *Opportunities Denied, Opportunities Diminished* (Washington DC: Urban Institute, 1991); Kathryn M. Neckerman and Joleen Kierschenman, “Hiring Strategies, Racial Bias, and Inner City Workers,” *Social Problems* 38 (No. 4, November 1991), pp. 433-447.

⁴⁵ See, for example, Jomills Henry Braddock II and James M. McPartland, “How Minorities Continue to Be Excluded from Equal Employment Opportunities: Research on Labor Market and Institutional Barriers,” *Journal of Social Issues* 34 (No. 1, Spring 1987), pp. 5-39.

⁴⁶ Barbara F. Reskin, “The Proximate Causes of Employment Discrimination,” *Contemporary Sociology* 29 (No. 2, March 2000), pp. 319-328.

⁴⁷ Philip Moss and Chris Tilly, “Hiring in Urban Labor Markets: Shifting Labor Demands, Persistent Racial Differences” in Ivar Berg and Arne Kalleberg (eds.), *Sourcebook of Labor Markets: Evolving Structures and Processes* (New York: Kluwer Academic, 2001), pp. 601-643.

access to these jobs.⁴⁸ Also, studies have shown that many job opportunities are filled, not by formal procedures like advertising, but through informal communications through networks of workers and friends. These informal social networks are often racially constituted, so minorities often simply do not hear about the same job openings as whites do – another factor that restricts their employment opportunities.⁴⁹

49. There are, then, a number of various studies covering various regions in the country that have established that racial disparities in income and employment are due in some measure to the continuing bias, discrimination, segregation, and disadvantages faced by minorities in the labor market. Thernstrom notes that none of these studies were conducted in Springfield and suggests that this is a problem. But in fact we do see the very same evidence of racial economic disparities in Springfield that we see in the rest of the country – lower income, higher unemployment, and higher rates of poverty for minorities. So it is certainly reasonable to conclude that the same discriminatory forces that are helping to cause these disparities on the national level are also at work in the city of Springfield. Indeed, to suggest that something completely different is going on in Springfield to account for these disparities – to assert that racial discrimination is not playing a role in these local problems – is highly implausible.

50. In the area of racial disparities in educational achievement, Dr. Thernstrom claims that racial segregation and discrimination are not the problem and that these differences can be attributed to other factors, particularly cultural values and family structure. It is true that scholars in this area do often cite a variety of factors that help to

⁴⁸ Ibid.

⁴⁹ Jomills Henry Braddock II and James M. McPartland, “How Minorities Continue to Be Excluded from Equal Employment Opportunities: Research on Labor Market and Institutional Barriers,” *Journal of Social Issues* 34 (No. 1, Spring 1987), pp. 5-39.

explain why minority children do not do as well in school as white children. These factors include, for instance, culture, poor nutrition, poor health, and lack of housing stability. However, most scholars also include various forms of discrimination among the factors causing racial disparities in educational achievement. They observe that minority children are increasingly segregated into their own schools, that there are large disparities in school funding, that teachers sometimes have lower expectations of minority students, that tracking can become a form of racial discrimination, and so on.⁵⁰ Thernstrom is one of the few scholars who maintain that racism, segregation, and discrimination are playing no role in creating racial disparities in educational achievement.

51. A key point here is that discrimination is not only playing a direct role in these disparities in educational achievement, but also an indirect role as well. It is a contributing cause to many of the other factors that are working to the disadvantage of minority students. For example, the existence of poor nutrition, poor health and housing instability for minority students is directly related to the fact that minority families are more likely to be poor – and this poverty is caused in part by the kinds of discrimination in the labor market that I described earlier.

52. Even if one puts much of the blame for disparities in educational achievement on “culture,” as Thernstrom does, that does not mean that discrimination is not playing a significant role in this problem as well. For instance, even if Black families put less value on education, this is most likely due in part to past and present discrimination. In *Class and Schools: Using Social, Economic and Educational Reform*

⁵⁰ See, for example, Kenneth Meier, et al, *Race, Class, and Education: The Politics of Second-Generation Discrimination* (Madison, WI: University of Wisconsin Press, 1990). Gary Orfield and John Yun, *Resegregation in American Schools* (Cambridge, MA: Harvard University Civil rights Project, 1999); Ronald F. Ferguson, “Teachers’ Perceptions and Expectations and the Black-White Test Score Gap,” *Urban Education* 38 (No. 4, 2003) pp. 460-507.

to *Close the Black-White Achievement Gap*, Richard Rothstein observes that “throughout U.S. history, many black students who excelled in school were not rewarded in the labor market for their effort,” and that “labor market discrimination, even for black workers who test scores are comparable with those of white workers, continues to play an important role” especially for high school graduates.⁵¹ He cites abundant evidence that this labor market discrimination continues, including a series of successful employment discrimination suits, and the kinds of studies cited above that show that employers are more likely to hire white applicants over Black applicants with identical qualifications. He concludes that “as long as racial discrimination exists in the labor market, the average academic achievement of black students will be lower than the average achievement of white students, simply because many black students (especially males), who see that academic effort has less of a payoff for them than it has for whites, can be expected to respond by reducing their effort.”⁵² Cultural attitudes about the value of education for minorities can thus not be separated from the larger forces of discrimination still at work in American society.

53. Taken together, these studies show that the defendants are wrong when they claim that there is “no evidence that the present lower socio-economic circumstances of minority persons is a result of a history of discrimination.”⁵³ Moreover, it is highly revealing that the defendants do not offer any competing explanation for the economic disparities between whites and minorities. They provide neither arguments nor evidence that would indicate that there is some other factor that is causing this problem.

⁵¹Richard Rothstein, *Class and Schools: Using Social, Economic and Educational Reform to Close the Black-White Achievement Gap* (Washington, D.C.: Economic Policy Institute, 2004), p. 34.

⁵² Ibid. p. 35.

⁵³ *Defendants’ Issues of Fact*, paragraph 109.

54. There are, then, many good reasons to believe that racial discrimination is playing a continuing role in creating the disparities in economic and educational achievement for minorities in Springfield – and thus is discouraging voter turnout as well. The position that Thernstrom takes on these issues – that racism and discrimination do not play a part in causing either of these disparities – is in fact an extreme one and one not shared by most scholars.

Discrimination Against Minority Voters in Springfield

55. In his affidavit, Dr. Thernstrom repeatedly argues that there is “no persuasive evidence to support a claim that Springfield has a tainted history of official discrimination that limited the voting rights of minority residents.”⁵⁴ However, the recent suit against the city by the United States Department of Justice included substantial evidence that such discrimination has been taking place for some time.⁵⁵

According to the Department’s complaint and the materials submitted in support of its motion for a temporary restraining order, the city of Springfield has repeatedly violated Sections 203 and 208 of the Voting Rights Act in regards to Hispanic voters. The Department called these violations “egregious” and said that they have been occurring in spite of repeated letters and discussions with city officials.⁵⁶ Specifically, the city consistently failed to provide bilingual poll workers that could provide Spanish-speaking voters with necessary language assistance – as it is required to do. The city also failed to provide vital election-related information in Spanish. In addition, poll workers prohibited

⁵⁴ Stephan Thernstrom, “Expert Witness Report in *Arise for Social Justice V. Springfield*,” p. 48.

⁵⁵ *United States v. City of Springfield, Massachusetts, et al.*, Civil Action No. 06-30123-MAP. See Plaintiff’s Trial Exhibit 169 for complaint in this case.

⁵⁶ Cynthia J. Magnuson, Department of Justice spokesperson, quoted in Peter Goonan, “U.S. Presses Springfield to Assist Hispanic Voters,” *The Republican*, August 23, 2006.

some Hispanic voters from exercising their right to have an assistor of their choice help them in the voting process. Finally, the Department of Justice cited instances of “rude” and “hostile” behavior toward Spanish-speaking voters.

56. The thirty-nine declarations by Hispanic citizens, elected officials, and other local residents submitted as a part of the record for the Department of Justice suit provide substantial evidence to back up these charges of discrimination. Substantial evidence, consistent with that submitted by the Department of Justice, also appears in Hispanic citizens’ trial affidavits submitted in the *Arise* case, a number of which I have read. In the Department of Justice declarations, there are, for example, several recent accounts of how some poll workers intimidated Hispanic voters and made it difficult for them to vote. One Hispanic poll worker related the following incidents.

During the 2004 September and 2005 November elections, I saw a white male police officer basically running the polling place. ... During the November 2004 election, I saw approximately 10 Hispanic voters, most who did not speak English well who were not allowed to vote because their names were not on the list. I told the white male police officer that we have provisional ballots as an optional way for these voters. But the police officer, who had control over all the materials, including the provisional ballots, said that it was too much paper to fill out and refused to provide any provisional ballots to these voters. ... I also saw many times this police officer getting furious when Hispanic or Black voters made an error on the ballot. He acted very bothered, and as he gave these voters a new blank ballot, he told them “If you mess up this ballot, you cannot vote.”... Compared to the way the Spanish-speaking voters were being treated, I saw voters who looked Anglo and who spoke English perfectly being treated by the police office and the chief clerk with much more care and courtesy. These voters were attended to with more patience. The only 2 or 3 times that I saw them offering a provisional ballot, was to voters who looked Anglo and who spoke English perfectly. The police officer and the chief clerk were joking with each other, saying “We are in

America and you should speak English.” ... Hearing this made me feel pretty bad.⁵⁷

57. But probably even more discouraging to Hispanic voters has been the systematic lack of poll workers who can assist Spanish-speaking voters and the absence of voting and election information in Spanish. Many of the affidavits in the Department of Justice suit spoke directly about these ongoing discriminatory practices. The experience of one Hispanic woman, Maria Melendez, was typical.

I voted for the first time in the 2004 presidential election. I felt strongly about this election and I wanted to vote. ... When I arrived at the polling place, I did not see any materials or instructions in Spanish, and I voted without knowing what I was doing. None of the poll workers offered to help me in Spanish, even though I asked for help in Spanish. I felt discouraged by my first voting experience. ... Because there was no one there to help me in Spanish and to explain how to vote, I didn't know how to fill out the ballot. ... As an American citizen, I deserve to have the voting process explained to me. As a citizen, I have the right to know how things work. I felt then, and I feel now, that I won't ever vote again. I did not vote in the 2005 election.⁵⁸

58. There is no question that the kinds of discriminatory policies and practices described in the declarations as taking place in Springfield would have a discouraging effect on voter turnout by Hispanic citizens. The more difficulties and potential abuse that voters face at the polls, the less inclined they will be to vote. Indeed, this discouraging effect on turnout was explicitly referred to in many of the thirty-nine affidavits in the Department of Justice suit. The following comments by four different Hispanic voters in Springfield were typical.

⁵⁷ Declaration of Jose Molina, “Evidentiary Materials In Support Of United States’ Motion For a Temporary Restraining Order,” United States v. City of Springfield, Massachusetts, et al., Civil Action No. 06-30123-MAP.

⁵⁸ Declaration of Maria Melendez, “Evidentiary Materials In Support Of United States’ Motion For a Temporary Restraining Order,” United States v. City of Springfield, Massachusetts, et al., Civil Action No. 06-30123-MAP.

“When I arrived at the fire station, I asked the poll worker in broken English if I could see someone who speaks Spanish and the poll worker said, “not now, do whatever you can,” and she gave me the ballot. I took the ballot and said, “OK, I do it.” I filled out the ballot blindly without knowing at all what I was doing. When I was done, I left without the desire to ever vote again.”⁵⁹

“I would feel more comfortable and motivated to vote with a Spanish-speaking poll worker there to help me.”⁶⁰

“I believe that more Hispanic voters who do not speak English well would come out to vote if there were more Spanish-speaking poll workers.”⁶¹

“I felt uncomfortable and rushed through the voting process. I did not vote in the 2005 city elections because my last voting experience was not pleasant at all.”⁶²

59. These kinds of problems at the polls in Springfield are another factor that helps to explain the generally lower level of voter turnout by minorities in Springfield, especially Hispanics. In my original expert report, I demonstrated that minority voters in Springfield are characterized by lower levels of income and educational achievement – two factors strongly associated with lower voter participation. I also argued that a significant cause of these lower levels of income and education is long-term discrimination and segregation in the public school system and in labor markets. The Department of Justice suit has made it clear that there are also additional forms of

⁵⁹ Declaration of Yolanda Garcia, “Evidentiary Materials In Support Of United States’ Motion For a Temporary Restraining Order,” United States v. City of Springfield, Massachusetts, et al., Civil Action No. 06-30123-MAP.

⁶⁰ Declaration of Luz Castro, “Evidentiary Materials In Support Of United States’ Motion For a Temporary Restraining Order,” United States v. City of Springfield, Massachusetts, et al., Civil Action No. 06-30123-MAP.

⁶¹ Declaration of Francisco Figueroa, “Evidentiary Materials In Support Of United States’ Motion For a Temporary Restraining Order,” United States v. City of Springfield, Massachusetts, et al., Civil Action No. 06-30123-MAP.

⁶² Declaration of Delia Benitez, “Evidentiary Materials In Support Of United States’ Motion For a Temporary Restraining Order,” United States v. City of Springfield, Massachusetts, et al., Civil Action No. 06-30123-MAP.

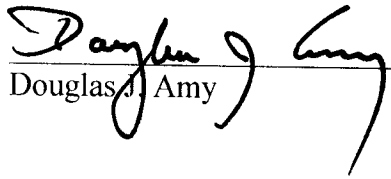
discrimination at work in the election process in Springfield that are acting to suppress voter turnout in the minority community.

SUMMARY

60. The research and data that I have cited go a long way toward explaining why it might be the case that voter turnout in the African-American community and Latino community of Springfield is lower than that of the white community – and how that situation may begin to be remedied. Minority voters in Springfield are characterized by lower levels of income and educational attainment – two factors strongly associated with lower voter participation. It is also clear that a significant cause of these lower levels of income and education is long-term and lingering discrimination and segregation in public school systems and in labor markets.

61. In addition, we know that minorities have little incentive to turnout when they live in districts that are dominated by white voters and stand little chance of electoral success – which is precisely the situation in Springfield. All of this leads me to conclude that past and present discrimination and the city's at-large voting system are strongly discouraging voter turnout by African American and Latinos. Moreover, it is very likely that a switch to ward voting in Springfield, where minorities would constitute the majority of voters in several districts, would serve to substantially increase turnout among African-American and Latino voters.

Signed under the pains of perjury this 31 day of January, 2007



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"New Means for Political Empowerment: Proportional Voting," Douglas J. Amy, Frederick McBride, and Robert Richie, *Poverty and Race* Vol.9, no. 6 (Nov./Dec. 2000), pp. 1-11. Also reprinted in Chester Hartman, ed., *Double Exposure II: Integration, Education, and Race in America* (New York: M.E. Sharpe, 2001).

"The Forgotten History of the Single-Transferable Vote in the United States," *Representation: Journal of Representative Democracy*, Winter 1996/7, Vol. 34, No. 1, pp. 13-20. [Reprinted in *Mapping Florida's Political Land Landscape*, ed. by Susan A. MacManus (Tallahassee, FL: Florida Institute for Government, 2002).]

"Elections in Which Every Vote Counts," *The Chronicle of Higher Education*, Vol. XLII, Number 18, January 12, 1996, pp. B1-B2. This piece has also been included in *Voices of Dissent: Critical Readings on American Politics*, 4th edition, edited by William F. Grover and Joseph G. Peschek (New York: Longman, 2001).

"Proportional Representation and the Future of the American Party System," *American Review of Politics*, Vol. 16, Winter 1995, pp. 371-384.

"Alternative Dispute Resolution," *Conservation and Environmentalism: An Encyclopedia* (New York: Garland Publishing, 1995) pp. 25-26.

"Proportional Representation: Empowering Minorities or Promoting Balkanization?" *The Good Society: The Newsletter of the Committee on the Political Economy of the Good Society*, Vol. 5, No. 2, Summer 1995.

"Proportional Representation: A Tool for Empowering Minorities and the Poor," *Poverty and Race*, Vol. 3, No. 5, September/October 1994, pp. 1-10.

"A Fair Voting System for the United States," in *Voting and Democracy Report: 1993* (Washington, D.C.: Center for Voting and Democracy, 1993)

"Proportional Representation: A New Option for Local Elections," *National Civic Review*, Vol. 82, No. 3, Summer 1993, pp. 275-281.

"When Every Vote Counts: A Look at Proportional Representation," *Blueprint for Social Justice*, Vol. XLVI, No. 8, April 1993, pp. 1-7.

"The Case for Proportional Representation in the U.S.," *The Newsletter of PEGS: Committee on the Political Economy of the Good Society*, Vol. 3., No.1, Winter 1993, pp. 8-9.

"Environmental Dispute Resolution: The Promise and the Pitfalls," Norman Vig and Michael Kraft (eds.) *Environmental Policy in the 1990s* (Washington D.C.: Congressional Quarterly Press, Spring 1990)

"Decision Techniques for Environmental Administration: A Critique," Robert Paehlke and Douglas Torgerson (eds.), *Managing Leviathan: Environmental Politics and the Administrative State* (Peterborough, Ontario: Broadview Press, Fall, 1990)

"Can Policy Analysis Be Ethical?" in Frank Fischer and John Forester (eds.), *Confronting Values in Policy Analysis* (Beverly Hills: Sage Publishing Co., 1987).

"The Political Ideology of Environmental Mediation," paper presented at the Convention of the Western Political Science Association, April 20-22, 1986 in Eugene, Oregon. (Winner of the Pi Sigma Alpha award for the most distinguished paper presented at the 1986 WPSA Meeting.)

PUBLIC LECTURES AND TALKS

"PR – The Best Political Reform No One Knows About." Talk at the University of Massachusetts, Amherst. March 23, 2004.

"Workshop on Alternative Voting Systems." League of Women Voters of Massachusetts Fall Conference, Bedford, MA, October 25, 2003.

"The Dubious History and Questionable Present of At-Large Voting." Talk for the Voting Rights Conference, Western New England College, September 25, 2003.

"Reforming the Electoral System: The Case for Proportional Representation," a lecture for "Practicing Democracy: Ballot Battles in the U.S. and Beyond." John F. Kennedy Library, Boston, MA, July 11, 2001.

"Revitalizing Political Participation Through Voting System Reform," lecture for "Making Democracy Work," panel for the Weissman Center's program on "American Democracy in Crisis," Wednesday, October 18, 2000,

"Reviving American Elections: The Case for Proportional Representation." Lecture given at the "Empowering the Voter" conference in Minneapolis, November 14, 1998.

“Real Electoral Reform.” Talk sponsored by the Social Thought and Political Economy Program at the University of Massachusetts, Amherst, October 23, 1996.

“Voter Turnout and the Need for Electoral System Reform,” speech delivered at the national conference of the Center for Voting and Democracy, Boston, Massachusetts, November 11, 1995.

“Four Criteria of Good Elections,” talk to the League of Women Voters of Seattle, June 27, 1995.

“Five Misconceptions about Proportional Representation,” keynote address at awards ceremony sponsored by the Fair Ballot Alliance of Massachusetts, Cambridge, MA, April 23, 1995.

“Beyond Race-Based Districting: The Case for Proportional Representation Elections,” talk at the Kennedy School of Government, Harvard University, April 15, 1994.

“Fair for Everyone: The Appeal of Proportional Representation,” keynote address, national conference of the Center for Voting and Democracy, July 20, 1993

“The Rise of the Anti-Environmental Lobby,” lecture at Mount Holyoke Summer Term, August, 1992.

“The Politics of Negotiated Rulemaking,” guest lecture in graduate seminar on Administrative Law at the University of Massachusetts, Amherst, April 27, 1988.

WEB SITES

“Proportional Representation Library.” Web site containing information on proportional representation elections, including beginning readings, bibliography, articles by scholars and activists, and a guide to related Web sites.
(<http://www.mtholyoke.edu/acad/polit/damy/prlib.htm>)

FELLOWSHIPS, GRANTS AND AWARDS

George H. Hallett Award. Given by the section on Representation and Electoral Systems of the American Political Science Association, September 2004. This award is presented to the author of a book published at least ten years ago that has made “a lasting contribution to the literature on representation and electoral systems.”

Faculty fellowship from Mount Holyoke College, 2004-2005.

Fellowship from the Open Society Institute of New York to develop a guide to voting system reform. \$33,000. January – August 1999.

Faculty fellowship from Mount Holyoke College, 1988.

Pi Sigma Alpha Award for the most distinguished paper (“The Politics of Environmental Mediation”) presented at the Western Political Science Association Meetings, 1986.

Faculty Grant from Mount Holyoke College for research on environmental mediation. Fall, 1984.

EXHIBIT A

1999 Springfield Grade 4 MCAS Results -- English Language Arts

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	4%	68%	28%
Hispanic	0%	3%	58%	39%
White	1%	15%	74%	10%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at A-34, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 4 MCAS Results -- Mathematics

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	2%	9%	44%	46%
Hispanic	1%	7%	42%	50%
White	9%	26%	47%	17%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at A-34, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 4 MCAS Results -- Science & Technology

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	1%	24%	57%	19%
Hispanic	1%	16%	52%	32%
White	8%	48%	37%	7%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at A-34, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 8 MCAS Results -- English Language Arts

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	19%	47%	34%
Hispanic	0%	11%	39%	50%
White	1%	39%	40%	19%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at B-28, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 8 MCAS Results -- Mathematics

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	2%	16%	83%
Hispanic	0%	1%	14%	85%
White	2%	15%	30%	53%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at B-28, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 8 MCAS Results -- Science & Technology

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	2%	12%	86%
Hispanic	0%	2%	6%	92%
White	2%	15%	23%	60%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at B-28, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 8 MCAS Results -- History and Social Science

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	0%	11%	89%
Hispanic	0%	0%	6%	94%
White	0%	3%	28%	69%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at B-28, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 10 MCAS Results -- English Language Arts

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	11%	26%	63%
Hispanic	0%	4%	19%	77%
White	1%	21%	38%	40%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at C-25, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 10 MCAS Results -- Mathematics

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	2%	14%	84%
Hispanic	0%	1%	5%	95%
White	4%	10%	21%	65%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at C-25, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

1999 Springfield Grade 10 MCAS Results -- Science & Technology

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	6%	25%	69%
Hispanic	0%	1%	14%	85%
White	1%	14%	43%	41%

Source: Massachusetts Department of Education, *Report of 1999 Massachusetts and Local School District MCAS Results by Race/Ethnicity* (May 2000) at C-25, available at http://www.doe.mass.edu/mcas/1999/race_report (Exhibit 2 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 4 MCAS Results -- English Language Arts

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	5%	76%	19%
Hispanic	0%	1%	62%	37%
White	0%	17%	71%	11%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at A-28, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 4 MCAS Results -- Mathematics

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	1%	13%	55%	31%
Hispanic	1%	10%	45%	44%
White	9%	29%	45%	17%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at A-28, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 4 MCAS Results -- Science & Technology

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	30%	57%	13%
Hispanic	0%	20%	53%	27%
White	8%	52%	33%	6%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at A-29, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 8 MCAS Results -- English Language Arts

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	26%	41%	32%
Hispanic	0%	15%	38%	46%
White	2%	52%	31%	16%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at B-24, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 8 MCAS Results -- Mathematics

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	3%	15%	83%
Hispanic	0%	2%	9%	88%
White	5%	16%	27%	52%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at B-24, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 8 MCAS Results -- Science & Technology

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	3%	16%	81%
Hispanic	0%	3%	10%	87%
White	3%	20%	25%	52%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at B-25, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 8 MCAS Results -- History and Social Science

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	0%	13%	87%
Hispanic	0%	0%	11%	89%
White	0%	3%	37%	59%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at B-25, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 10 MCAS Results -- English Language Arts

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	8%	23%	69%
Hispanic	0%	5%	18%	77%
White	2%	22%	36%	40%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at C-22, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 10 MCAS Results -- Mathematics

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	1%	3%	9%	87%
Hispanic	1%	2%	9%	88%
White	7%	14%	20%	59%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at C-22, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

2000 Springfield Grade 10 MCAS Results -- Science & Technology

	<u>Advanced</u>	<u>Proficient</u>	<u>Needs Improvement</u>	<u>Failing</u>
Black	0%	2%	19%	79%
Hispanic	0%	2%	16%	81%
White	1%	18%	34%	47%

Source: Massachusetts Department of Education, *Report of 2000 Massachusetts and Local School District MCAS Results of Race/Ethnicity* (July 2001) at C-23, available at <http://www.doe.mass.edu/mcas/2000/results/rande.pdf> (Exhibit 3 in Support of Plaintiffs' Motion for a Preliminary Injunction).

EXHIBIT B



Massachusetts Department of Education

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2006 MCAS Results by Subgroup - Springfield by Grade then Subject

GRADE LEVEL 3 - READING												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	P+	P	NI	W		#	P+	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	365	3	14	44	38	63.3	11818	5	24	47	25	69.3
LEP/FLEP	353	6	14	48	32	58.1	6371	5	22	49	24	64.5
Low Income	1613	7	27	47	18	70.6	21669	7	28	48	17	71.3
African American/Black	520	8	29	47	16	73.4	5920	7	29	49	15	72.0
Asian or Pacific Islander	58	21	31	38	10	79.3	3611	22	40	32	7	84.8
Hispanic	982	7	25	48	21	68.3	8689	5	24	50	22	66.6
Native American	5	-	-	-	-	-	283	11	38	38	13	79.5
White	350	14	40	37	9	82.4	52022	21	45	29	5	87.5
Other Subgroups												
Male	970	9	27	46	18	71.8	36300	16	40	35	9	82.1
Female	948	9	30	45	16	73.4	34277	21	41	32	7	84.8
Title I	1916	9	29	46	17	72.6	23561	8	30	48	15	72.6
Non-Title I	2	-	-	-	-	-	47016	23	46	27	5	88.9
Non-Low Income	305	17	38	35	9	82.9	48908	23	46	27	4	88.8
LEP	283	5	14	45	36	55.9	4627	3	17	51	29	59.4
FLEP	70	9	14	61	16	67.1	1745	12	34	43	10	78.0
Total	1920	9	29	45	17	72.5	70747	18	40	34	8	83.4

GRADE LEVEL 3 - MATHEMATICS

Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	P+	P	NI	W		#	P+	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	365	0	7	28	64	50.3	11825	1	22	36	41	61.5
LEP/FLEP	349	1	20	34	45	54.4	6372	2	28	34	36	61.6
Low Income	1597	1	27	38	33	63.3	21665	1	30	38	31	64.4
African American/Black	521	1	26	39	33	63.4	5920	1	28	39	32	63.0
Asian or Pacific Islander	58	3	50	36	10	80.6	3618	8	55	26	11	83.7
Hispanic	969	1	25	39	35	61.7	8693	1	25	37	37	60.1
Native American	5	-	-	-	-	-	282	2	43	38	18	75.8
White	347	5	46	32	17	77.7	52035	5	53	31	11	82.3
Other Subgroups												
Male	964	2	32	36	31	66.9	36315	4	48	31	16	78.5
Female	939	2	29	40	30	64.5	34289	4	47	33	16	77.5
Title I	1901	2	30	38	30	65.7	23562	2	32	38	28	66.2
Non-Title I	2	-	-	-	-	-	47042	5	56	29	10	84.0
Non-Low Income	306	5	44	36	15	78.0	48939	5	56	29	9	84.0
LEP	281	0	18	34	48	52.5	4635	1	23	35	42	57.4
FLEP	68	3	31	31	35	62.5	1738	4	42	32	22	72.7
Total	1906	2	30	38	30	65.6	70738	4	48	32	16	78.0

GRADE LEVEL 4 - ENGLISH LANGUAGE ARTS

Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	391		6	39	55	52.6	12697	1	15	48	36	59.8
LEP/FLEP	333	1	15	48	36	56.9	6182	2	20	46	31	60.1
Low Income	1592	2	23	50	25	64.4	21707	2	25	49	24	65.5

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African American/Black	519	2	26	51	21	66.6	6115	2	25	49	24	65.1
Asian or Pacific Islander	54	4	39	44	13	74.5	3675	14	43	33	9	82.2
Hispanic	971	2	20	49	29	62.2	8609	2	22	48	29	62.2
Native American	4	-	-	-	-	-	225	4	33	47	16	73.4
White	343	5	41	41	13	78.3	52515	9	47	37	7	82.9
Other Subgroups												
Male	985	2	22	49	27	63.9	36663	5	38	43	14	75.7
Female	911	3	30	48	19	69.7	34516	11	46	35	9	82.2
Title I	1892	2	26	48	23	66.7	23263	3	26	50	21	66.9
Non-Title I	4	-	-	-	-	-	47916	10	49	34	7	84.6
Non-Low Income	304	7	39	42	13	78.7	49472	10	49	34	6	84.7
LEP	272	0	11	49	40	54.0	4051	1	13	46	40	53.1
FLEP	61	2	31	48	20	69.7	2131	5	34	46	15	73.3
Total												
Total	1896	2	26	48	23	66.7	71277	8	42	39	12	78.8

GRADE LEVEL 4 - MATHEMATICS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	395	1	7	32	60	48.9	12729	3	12	46	39	57.1
LEP/FLEP	340	1	10	43	46	48.4	6201	7	15	46	32	58.2
Low Income	1595	3	13	49	34	56.0	21765	6	15	51	28	60.3
African American/Black	520	2	13	50	35	53.4	6127	4	14	52	30	57.9
Asian or Pacific Islander	54	6	30	54	11	71.8	3682	28	29	34	9	81.8
Hispanic	972	3	13	47	37	55.1	8645	5	13	49	33	57.0
Native American	4	-	-	-	-	-	226	9	22	50	18	69.9
White	343	8	23	53	16	71.1	52633	17	28	44	10	77.2
Other Subgroups												

Male	987	5	15	49	31	59.4	36766	15	25	45	15	73.8
Female	911	3	15	49	33	56.6	34587	15	25	45	15	72.8
Title I	1894	4	15	49	32	58.1	23326	7	17	51	26	61.7
Non-Title I	4	-	-	-	-	-	48027	19	29	42	10	78.9
Non-Low Income	303	10	23	47	20	68.7	49588	19	30	42	9	79.1
LEP	278	1	8	41	50	46.6	4070	4	11	45	39	52.6
FLEP	62		18	53	29	56.5	2131	13	22	47	19	69.0
Total	1898	4	15	49	32	58.1	71418	15	25	45	15	73.3

GRADE LEVEL 5 - ENGLISH LANGUAGE ARTS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	507	1	9	43	47	53.5	13497	2	22	47	28	65.6
LEP/FLEP	360		13	44	43	51.5	5666	3	22	46	29	62.0
Low Income	1656	2	24	50	23	65.6	22213	4	30	47	18	70.4
African American/Black	588	3	30	50	17	70.6	6594	5	30	47	18	71.0
Asian or Pacific Islander	56	13	32	50	5	76.3	3605	22	43	27	8	85.6
Hispanic	992	2	20	48	30	61.1	8659	3	25	48	24	65.6
Native American	0	-	-	-	-	-	248	10	42	40	9	80.5
White	358	9	42	38	11	81.7	53467	18	50	27	5	88.1
Other Subgroups												
Male	1056	2	26	48	25	65.9	37424	11	44	34	10	81.8
Female	941	5	29	47	19	70.5	35192	20	45	28	7	85.8
Title I	1992	4	28	47	22	68.0	22314	5	32	46	17	71.6
Non-Title I	5	-	-	-	-	-	50302	20	50	25	5	89.1
Non-Low Income	341	10	44	32	14	79.9	50403	20	51	24	4	89.6
LEP	291		10	41	49	47.8	2966	1	12	44	43	51.3
FLEP	69		26	57	17	67.4	2700	6	33	47	14	73.8

Total	2000	4	28	47	22	68.0	72709	15	44	31	9	83.7
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GRADE LEVEL 5 - MATHEMATICS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	508	0	4	20	75	38.8	13529	3	11	31	55	49.4
LEP/FLEP	360	2	8	26	64	39.5	5668	7	15	32	46	52.4
Low Income	1658	3	12	35	50	48.4	22244	6	16	37	42	54.3
African American/Black	589	3	12	36	49	48.8	6616	4	14	37	44	52.4
Asian or Pacific Islander	56	16	23	45	16	71.9	3608	32	28	27	13	80.8
Hispanic	996	2	10	33	55	45.0	8671	4	14	34	48	50.4
Native American	0	-	-	-	-	-	247	9	28	37	27	66.0
White	357	11	25	38	26	68.7	53548	19	29	34	17	75.0
Other Subgroups												
Male	1059	4	13	35	48	50.5	37473	17	26	34	23	70.7
Female	942	5	14	36	45	51.7	35263	16	26	35	23	69.7
Title I	1996	4	14	35	47	51.1	22356	7	18	37	39	56.3
Non-Title I	5	-	-	-	-	-	50380	21	30	33	16	76.4
Non-Low Income	343	11	21	36	31	63.9	50492	22	31	33	15	77.2
LEP	291	1	5	26	67	36.6	2969	3	10	28	59	43.5
FLEP	69	4	17	29	49	51.8	2699	10	21	36	32	62.2
Total	2003	4	14	35	47	51.1	72796	17	26	34	23	70.2

GRADE LEVEL 5 - SCIENCE AND TECHNOLOGY												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	507	1	9	44	46	54.1	13526	5	18	48	30	63.6

LEP/FLEP	359	1	11	44	43	50.8	5668	3	15	46	36	55.3
Low Income	1658	4	16	54	26	60.6	22236	5	20	51	24	62.9
African American/Black	589	5	16	56	24	61.2	6615	4	18	52	27	60.2
Asian or Pacific Islander	56	9	43	43	5	80.4	3607	23	33	36	9	80.5
Hispanic	996	2	15	53	30	58.0	8667	3	16	50	31	57.8
Native American	0	-	-	-	-	-	247	9	33	47	11	74.8
White	357	15	31	42	12	77.7	53526	20	38	36	6	83.3
Other Subgroups												
Male	1059	6	19	51	24	63.8	37459	17	33	38	11	78.7
Female	942	5	18	53	24	62.3	35249	16	32	41	11	77.2
Title I	1996	5	19	52	24	63.1	22346	5	21	51	23	64.0
Non-Title I	5	-	-	-	-	-	50362	22	38	34	6	84.2
Non-Low Income	343	13	32	39	16	75.3	50472	22	39	34	5	84.7
LEP	290	1	11	40	48	48.7	2969	1	9	43	47	47.9
FLEP	69	4	14	61	20	59.4	2699	5	21	51	23	63.5
Total												
Total	2003	5	19	51	24	63.1	72768	17	33	39	11	78.0

GRADE LEVEL 6 - ENGLISH LANGUAGE ARTS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
		#	A	P	NI			W	#	A	P	
AYP Subgroups												
Stud. w/ Disab	494		6	43	51	48.9	13121	1	25	46	28	65.7
LEP/FLEP	367	1	8	40	52	44.4	4626	1	23	44	31	59.7
Low Income	1654	1	22	49	28	61.4	22442	2	36	45	17	71.5
African American/Black	526	1	27	50	22	65.2	6582	3	37	44	16	72.3
Asian or Pacific Islander	42	5	36	52	7	73.2	3468	18	52	24	6	87.3
Hispanic	1044	2	20	46	33	58.2	8789	2	31	45	22	67.0
Native American	0	-	-	-	-	-	227	5	45	40	9	79.8
White	345	6	42	41	12	78.3	54158	12	60	23	5	89.2

Other Subgroups												
Male	1049	1	23	45	31	60.6	37910	7	53	30	10	82.8
Female	912	4	29	47	20	67.7	35358	13	55	25	6	87.2
Title I	1958	2	26	46	26	63.9	20485	3	37	44	16	72.4
Non-Title I	3	-	-	-	-	-	52783	13	60	22	5	89.8
Non-Low Income	307	7	45	33	15	77.4	50826	14	62	21	4	90.9
LEP	262		4	32	65	38.5	2800	1	13	44	43	50.7
FLEP	105	2	17	59	22	59.3	1826	3	38	45	14	73.5
Total	1964	2	26	46	26	63.8	73381	10	54	28	8	84.9

GRADE LEVEL 6 - MATHEMATICS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	497	0	2	10	88	31.1	13175	2	11	27	60	47.0
LEP/FLEP	368	1	2	13	85	27.8	4655	5	13	27	56	47.0
Low Income	1653	1	7	23	70	37.7	22481	5	17	32	46	53.0
African American/Black	536	1	7	23	68	37.9	6604	5	16	32	48	51.3
Asian or Pacific Islander	42	7	14	45	33	57.1	3469	32	30	22	15	80.7
Hispanic	1042	1	6	21	73	36.0	8811	4	14	30	53	48.7
Native American	0	-	-	-	-	-	232	9	21	31	38	59.3
White	342	4	22	33	42	56.7	54253	19	33	30	18	75.8
Other Subgroups												
Male	1051	2	9	24	65	40.8	38001	17	29	29	25	71.0
Female	914	1	9	24	66	40.2	35412	16	29	30	25	70.1
Title I	1962	2	9	24	65	40.5	20515	6	18	32	44	54.2
Non-Title I	3	-	-	-	-	-	52898	21	33	28	18	76.9
Non-Low Income	312	5	20	32	43	55.2	50932	22	34	28	16	78.3
LEP	263	0	0	8	92	24.5	2829	3	8	23	66	39.7

FLEP	105	1	5	25	70	36.0	1826	9	20	32	39	58.2
Total	1965	2	9	24	65	40.5	73469	17	29	29	25	70.5

GRADE LEVEL 7 - ENGLISH LANGUAGE ARTS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
		#	A	P	NI			W	#	A	P	
AYP Subgroups												
Stud. w/ Disab	516		10	36	55	49.8	13160	1	24	43	32	63.6
LEP/FLEP	354	0	11	35	54	45.7	4353	2	24	39	36	58.3
Low Income	1611	1	25	43	30	61.4	22433	2	39	39	20	71.8
African American/Black	540	1	32	44	22	67.8	6857	3	40	39	18	72.4
Asian or Pacific Islander	43		56	35	9	79.7	3363	17	53	22	8	86.6
Hispanic	1052	0	20	42	37	56.1	9066	2	33	40	25	67.2
Native American	2	-	-	-	-	-	243	5	53	30	11	82.9
White	332	5	41	37	17	75.8	54838	12	60	22	6	88.9
Other Subgroups												
Male	968	1	25	42	32	61.5	38525	7	53	29	12	81.8
Female	1002	2	31	41	26	64.8	35874	14	57	23	7	87.5
Title I	1964	2	28	41	29	63.2	16902	3	39	39	19	72.2
Non-Title I	6	-	-	-	-	-	57497	12	59	22	6	88.2
Non-Low Income	359	5	39	33	23	71.3	51966	14	62	20	5	90.1
LEP	245	0	4	27	68	38.2	2655	0	15	36	49	49.4
FLEP	109		26	52	22	62.6	1698	3	38	42	17	72.3
Total	1974	2	28	42	29	63.2	74508	10	55	26	9	84.5

GRADE LEVEL 7 - MATHEMATICS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
		#	A	P	NI			W	#	A	P	

AYP Subgroups												
Stud. w/ Disab	527		2	10	88	31.6	13226	1	8	26	65	42.5
LEP/FLEP	353	1	3	13	84	28.3	4373	4	10	26	60	43.1
Low Income	1626	0	5	23	72	35.3	22484	3	14	33	49	48.8
African American/Black	545	0	6	26	68	37.0	6877	2	12	35	51	46.8
Asian or Pacific Islander	45	4	24	42	29	61.7	3386	28	30	26	16	78.3
Hispanic	1059	0	4	19	77	32.0	9100	2	11	30	57	44.5
Native American	2	-	-	-	-	-	240	5	23	37	35	59.3
White	332	5	16	29	51	50.5	54943	14	32	33	20	72.1
Other Subgroups												
Male	977	1	7	24	67	38.9	38642	13	27	32	28	66.8
Female	1007	1	7	22	70	35.5	35938	12	28	34	27	66.6
Title I	1976	1	7	23	69	37.2	16945	3	14	34	49	48.8
Non-Title I	8	-	-	-	-	-	57635	15	32	32	21	71.9
Non-Low Income	358	4	14	26	57	45.8	52096	16	33	32	18	74.4
LEP	245	1	2	9	89	26.3	2676	2	7	22	69	37.7
FLEP	108		5	21	74	32.9	1697	6	15	32	46	51.7
Total	1984	1	7	23	69	37.2	74646	12	28	33	28	66.6

GRADE LEVEL 8 - ENGLISH LANGUAGE ARTS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	514	1	13	39	48	53.9	13090	1	34	39	27	69.1
LEP/FLEP	367		15	32	53	46.7	3968	1	28	37	35	59.8
Low Income	1595	1	36	38	25	67.8	22680	3	48	33	16	76.7
African American/Black	514	3	42	38	18	73.8	6935	3	50	33	14	78.2
Asian or Pacific Islander	43	9	53	30	7	84.3	3423	20	56	18	6	89.2
Hispanic	1049	1	31	38	30	63.0	9293	2	42	35	21	72.1

Native American	1	-	-	-	-	-	245	7	60	25	9	84.3
White	356	9	54	27	10	84.1	56139	14	67	14	4	92.3
Other Subgroups												
Male	1026	2	35	37	26	66.9	39204	8	62	21	9	86.0
Female	942	4	43	34	19	73.6	36866	17	62	16	5	91.0
Title I	1960	3	39	36	23	70.2	16930	3	49	33	15	77.4
Non-Title I	8	-	-	-	-	-	59140	14	66	15	5	91.6
Non-Low Income	373	9	51	26	14	80.0	53390	16	68	13	4	93.4
LEP	248		5	30	65	38.4	2578	0	17	37	45	51.1
FLEP	119		36	36	28	63.9	1390	2	47	36	15	76.0
Total												
Total	1974	3	39	36	23	70.1	76243	12	62	19	7	88.3

GRADE LEVEL 8 - MATHEMATICS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	519		0	12	88	30.5	13141	1	7	24	68	41.6
LEP/FLEP	365	1	3	9	87	26.1	3982	3	10	23	65	40.7
Low Income	1615	1	7	23	70	37.1	22748	3	14	31	52	48.4
African American/Black	527	1	7	24	68	37.9	6947	3	14	30	54	47.0
Asian or Pacific Islander	43	14	21	37	28	64.5	3432	27	32	24	18	77.7
Hispanic	1051	1	4	21	74	33.9	9317	3	12	29	57	45.0
Native American	1	-	-	-	-	-	247	6	23	34	37	59.9
White	361	5	21	32	42	55.7	56213	14	32	32	22	71.6
Other Subgroups												
Male	1040	2	8	23	66	39.7	39283	12	27	30	30	65.5
Female	948	1	8	25	65	39.5	36912	13	28	32	27	67.2
Title I	1982	2	8	24	66	39.6	16987	3	15	31	51	48.5
Non-Title I	6	-	-	-	-	-	59208	15	32	31	22	71.4

Non-Low Income	373	6	15	31	48	50.5	53447	16	34	31	19	73.9
LEP	250		1	5	94	22.5	2602	1	8	18	73	35.5
FLEP	115	3	7	18	72	33.9	1380	5	15	30	50	50.6
Total	1992	2	8	24	66	39.5	76276	12	28	31	29	66.3

GRADE LEVEL 8 - SCIENCE AND TECHNOLOGY												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	W		#	A	P	NI	W	
AYP Subgroups												
Stud. w/ Disab	517		1	15	85	34.4	13127	0	7	33	59	45.4
LEP/FLEP	362		1	15	84	29.8	3967	0	4	26	70	36.8
Low Income	1607	0	5	30	64	39.4	22724	0	9	40	50	46.6
African American/Black	524		6	31	62	39.8	6938	0	8	37	55	44.2
Asian or Pacific Islander	43	2	16	35	47	52.9	3431	8	31	39	23	69.3
Hispanic	1046	0	4	28	68	37.3	9304	0	7	35	57	42.5
Native American	1	-	-	-	-	-	246	2	22	45	32	58.9
White	360	2	19	42	36	57.4	56195	5	34	45	17	71.9
Other Subgroups												
Male	1034	0	8	33	58	43.3	39264	4	29	42	26	66.0
Female	944	1	7	30	63	40.5	36888	4	27	44	25	65.2
Title I	1972	1	8	32	60	42.0	16963	1	10	39	50	46.3
Non-Title I	6	-	-	-	-	-	59189	5	33	44	18	71.1
Non-Low Income	371	2	18	37	42	53.2	53428	5	36	44	15	73.7
LEP	249		1	7	92	27.0	2593	0	3	20	78	32.6
FLEP	113		2	33	65	36.1	1374	0	8	37	54	44.6
Total	1983	1	8	31	60	41.9	76234	4	28	43	25	65.6

GRADE LEVEL 10 - ENGLISH LANGUAGE ARTS												
	District						State					

Student Group	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
	#	A	P	NI	F		#	A	P	NI	F	
AYP Subgroups												
Stud. w/ Disab	339	0	6	42	52	46.7	11632	1	28	46	25	66.6
LEP/FLEP	193		11	38	51	46.2	3427	2	23	42	33	58.4
Low Income	956	1	28	47	24	64.1	17421	5	41	40	15	74.6
African American/Black	460	1	31	50	18	67.2	6408	5	42	40	13	75.7
Asian or Pacific Islander	43	12	30	44	14	75.6	3338	24	49	21	6	88.2
Hispanic	718	0	26	46	27	62.5	7563	3	36	41	20	70.2
Native American	2	-	-	-	-	-	213	8	56	29	7	84.9
White	329	8	41	40	11	76.8	55630	18	57	20	4	90.3
Other Subgroups												
Male	789	2	28	46	24	64.5	37042	11	53	28	8	84.4
Female	765	3	34	46	17	70.2	36141	20	54	20	5	89.3
Title I	74		9	41	50	47.3	9502	3	40	42	15	73.3
Non-Title I	1480	3	32	46	19	68.3	63681	17	56	22	5	88.8
Non-Low Income	598	5	36	43	16	72.5	55762	19	58	20	4	90.6
LEP	147		3	35	62	38.9	2108	1	13	42	45	49.1
FLEP	46		35	48	17	69.6	1319	4	38	42	16	73.2
Total	1555	2	31	46	21	67.3	73352	16	53	24	7	86.7

GRADE LEVEL 10 - MATHEMATICS												
Student Group	District						State					
	Students Included	% of Students at Each Performance Level				CPI	Students Included	% of Students at Each Performance Level				CPI
		#	A	P	NI			F	#	A	P	
AYP Subgroups												
Stud. w/ Disab	331	2	8	30	61	44.5	11517	9	21	32	38	61.8
LEP/FLEP	183	3	11	25	61	43.4	3379	17	18	28	37	60.6
Low Income	926	8	17	35	40	55.5	17107	19	25	31	26	69.2
African American/Black	452	8	20	37	36	57.6	6330	16	24	34	26	68.0

Asian or Pacific Islander	43	30	26	23	21	76.2	3325	63	17	14	7	90.1
Hispanic	694	5	15	36	44	52.4	7410	14	22	32	32	63.5
Native American	2	-	-	-	-	-	210	29	30	30	11	81.0
White	321	23	24	31	22	71.4	55337	45	28	19	8	87.3
Other Subgroups												
Male	771	12	20	32	36	60.0	36788	40	26	20	13	82.9
Female	743	9	17	38	37	57.3	35854	39	27	22	11	83.6
Title I	77	1	12	32	55	48.1	9376	19	23	31	27	68.1
Non-Title I	1437	11	19	35	35	59.3	63266	43	27	20	10	85.5
Non-Low Income	588	14	21	33	31	63.7	55535	46	27	18	8	87.6
LEP	141	1	6	22	72	36.3	2078	12	14	27	46	53.9
FLEP	42	10	31	33	26	67.3	1301	24	23	30	24	71.3
Total												
Total	1514	10	19	35	36	58.7	72738	40	27	21	12	83.2

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser